

DAILY BUSINESS REVIEW

30-Litigator Kluger Kaplan Focuses on Winning Cases, Period

by Catherine Wilson

Kluger Kaplan is a commercial litigation law firm known for taking on complex, high-stakes disputes in Florida and throughout the country.

The firm's 30 trial lawyers advocate for clients at all stages of the litigation process across a range of disciplines and industries. The firm attributes its success to hard work, a keen understanding of clients' issues, in-depth preparation and creative thinking that leaves no option unexplored.

The firm is called upon by prominent individuals and general counsel to litigate their most challenging and complex matters. Many clients come to Kluger Kaplan after first facing its lawyers as adversaries and determining that its tough, no-nonsense litigation tactics and out-of-the-box thinking are what they need for their own disputes.

After building a full-service 60-attorney law firm, the eight founding litigation partners took a risk and launched Kluger Kaplan in 2009 to get back to our roots and build a law firm around what they do best: litigation.

The idea to move away from the full-service model and pursue a niche litigation practice meant doubling down on core strengths as trial lawyers and focusing on core practice areas.

Ten years later, Kluger Kaplan — shareholders, partners, associates and support staff — all compliment

each other in their approach to litigation and creating a firm culture based on collaboration and respect.

Answers have been edited for clarity and length.

Firm Name: Kluger Kaplan

Firm Leadership: Founding shareholders Alan Kluger, Abbey Kaplan, Steve Silverman, Bruce Katzen, Todd Levine, Jason Marks, Philippe Lieberman, Michael Perse

Head Count: 30 attorneys

Location: Miami, Boca Raton

Practice Areas: We focus our litigation practice in the following areas:

- Business and corporate litigation and alternative dispute resolution
- Real estate and construction litigation
- Probate, trust, guardianship and fiduciary litigation
- Family and matrimonial litigation
- Securities and financial fraud
- Entertainment, arts, sports and fashion litigation
- Employment litigation
- Intellectual property law
- Class actions
- Corporate governance and professional liability litigation
- Bankruptcy litigation and debtor and creditor's rights
- Appeals in federal and state courts

Governance structure

Kluger Kaplan has a standing three-member review committee, which ensures all shareholders and partners have a voice in decisions



Alan Kluger, Kluger Kaplan

related to the business of the law firm. We're nimble and efficient in that business decisions are reached in a week or less. The committee is led by Alan Kluger, who serves as managing shareholder; Bruce Katzen, who serves as CFO; and Todd Levine, who oversees human resources, marketing and business development.

Do you offer alternative fee arrangements?

The alternative fee structure for litigation work at our firm is customized by client need and the type of litigation at hand: Pure contingency, reverse contingency factoring in a percentage of savings, partial contingency combining a reduced hourly rate with a portion of the recovery, fixed fees and hourly rates.

What do you view as the two biggest opportunities for your firm, and what are the two biggest threats?

As a pure litigation firm, we see spikes in litigation during both good and bad economies. In a good economy, some clients may not be as aggressive in pursuing litigation and are more likely to work things out. On the flip side, many clients have more discretionary income and are ready to go for the jugular. When times are good, we see clients spending what it takes to win.

National, full-service law firms partner with us on complex litigation matters because we don't pose a conflict. Since we focus solely on litigation, we are not a threat to potentially take over the client relationship. We're brought on to win, period.

The biggest threat to our practice is that litigation — when executed the right way — can be expensive, even with customized alternative fee arrangements. Clients may seek to avoid litigation as a result. There are times that a prospective client will go with a less expensive firm, only to find themselves dissatisfied with the result. What they come to realize is that you get what you pay for.

The legal market is so competitive now — what trends do you see, and has anything, including alternative service providers, altered your approach? Is your chief competition other mid-market firms, or is your firm competing against big firms for the same work?

Kluger Kaplan typically competes with larger firms with a national footprint that are considered the safe, conservative choice in the eyes of prospective clients due to their geographic size and brand appeal. We combat that by offering a very deep bench of litigators who bring more hands-on trial experience than the smaller practitioners and full-service firms can provide. And we are specialized to the point where we don't bring conflicts with other practice areas since we focus solely on litigation.

We've also found that larger firms don't bring the courtroom experience and professional relationships that our trial attorneys bring to a case because they are simply not as active as we are when it comes to litigation. Our trial attorneys are advocating in

court practically every day and come into each case with credibility as top-flight litigators. So as a litigation boutique, we oftentimes compliment as opposed to compete with larger, full-service firms.

There is much debate around how law firms can foster the next generation of legal talent. What advantages and disadvantages do midsize firms have in attracting and retaining young lawyers, particularly millennials?

As a litigation boutique, Kluger Kaplan excels in competing for talent because we attract lawyers that simply love litigation. The best piece of advice for a young trial lawyer is to get into court early and often. There is no substitute for trial experience.

While we're competitive with pay, we are also laser focused on creating a collaborative, family-like culture, and that starts with a people-first mentality. We understand the importance of incorporating work-life balance into our attorneys' personal lives. Mental health is more than a buzzword. Work-related stress and anxiety are killers, not just in the legal profession but in society at large.

At Kluger Kaplan, we're focused on implementing mental health and wellness initiatives into our firm culture in the following ways:

- **Personal growth:** When it comes to our jobs, we work hard at quality assurance. We create business plans and goals. We want our people to do the same in their personal lives.

- **Hobbies:** We make it a point for our attorneys to have lives out of the office. A hobby allows you to acquire a substantial skill and knowledge in an area different from your job.

- **Mentoring:** Young people need mentoring in how to live their life, in their careers and in their hobbies. They need mentoring to become productive members of society.

- **Community:** We stress the importance of being connected to our community, be it through friends, colleagues, or supporting a charity.

Relationship building: Long-term relationships help us all understand who we are and forces us to be a friend.

Does your firm employ any nonlawyer professionals in high-level positions (e.g. COO, business development officer, chief strategy officer, etc.)? If so, why is it advantageous to have a non-lawyer in that role? If not, have you considered hiring any?

Our specialized litigation model is such that we manage our financial, IT, innovation and data departments, business development and human resource departments in-house with oversight from the shareholder review committee.

What would you say is the most innovative thing your firm has done recently, whether it be technology advancements, internal operations, how you work with clients, etc.?

Kluger Kaplan has been investing in artificial intelligence for several years as it's become a critical component to providing effective and efficient legal services. The rise of electronic discovery, automation and the shift to going paperless has made the profession more efficient for both attorneys and clients. While it used to take endless hours to scour stacks of documents in the discovery process, technology has now reduced that to a fraction of the time.

Does your firm have a succession plan in place? If so, what challenges do you face in trying to execute that plan? If you don't currently have a plan, is it an issue your firm is thinking about?

Succession planning is critical for any law firm or company focused on long-term sustainability. We view succession planning as an ongoing process, as opposed to an event.

What makes Kluger Kaplan unique as a law firm is our people. Many of our shareholders have spent decades practicing law together — virtually their entire careers. The longevity and stability of our senior people has enabled us to groom and mentor our younger attorneys for leadership positions.

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